

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty BJS-3665-129
Dkt.

IFW

NAJIB et al

TC/A.U. 1625

Serial No. 10/520,079

Examiner: Barker

Filed: April 22, 2005

Date: March 28, 2007

Title: SUBSTITUTED 1,3-DIPHENYLPROP-2-EN-1-ONE DERIVATIVES, PREPARATION
AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$0.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$0.00 (2251)
Two Month Extensions \$450.00 (1252)/\$0.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$0.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$0.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$0.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE \$ 0.00

☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYTE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NAJIB et al

Atty. Ref.: 3665-129; Confirmation No. 9192

Appl. No. 10/520,079

TC/A.U. 1625

Filed: April 22, 2005

Examiner: Barker

For: SUBSTITUTED 1,3-DIPHENYLPROP-2-EN-1-ONE DERIVATIVES,
PREPARATION AND USES THEREOF

* * * * *

March 28, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

Responsive to the Official Action dated February 28, 2007, the applicants elect, with traverse, the subject matter of the Examiner's Group III for further prosecution.

Reconsideration and withdrawal of the lack of unity of invention determination, and restriction requirement, are requested as the applicants believe the reference cited by the Examiner (i.e., U.S. Patent No. 5,326,670) fails to demonstrate a lack of a special technical feature of the claimed invention and/or a failure of the claims to define a contribution over the prior art. Specifically, at best, the structure depicted in page 4 of the Office Action dated February 28, 2007 is, with due respect to the Examiner, an arbitrary structural moiety which is not disclosed in the cited patent.

The compounds of U.S. Patent No. 5,326,670 is not novelty destroying. More specifically, the compound at column 3, line 41, of U.S. Patent No. 5,326,670 indicated by the Examiner presents azide groups bound to the two phenyl moieties in para of the propene chain. None of the substituents of the compounds of formula (I) according to the present claims, and in particular none of X1 or X4 (i.e., the substituents in para of the propene chain) represent an azide group.

Therefore, U.S. Patent No. 5,326,670 is neither novelty destroying prior art document nor does the patent render obvious claimed compounds of formula (I).

Withdrawal of the restriction requirement is requested along with examination of all of the claimed subject matter as the Examiner has failed to demonstrate a lack of unity of invention.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
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